

103D CONGRESS  
2D SESSION

# S. 2251

## AN ACT

To amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

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## **AN ACT**

To amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1       **TITLE I—AMENDMENTS TO ENERGY**  
2       **POLICY AND CONSERVATION ACT**

3   **SEC. 101. SHORT TITLE.**

4       This title may be cited as the “Energy Policy and  
5 Conservation Act Amendments of 1994.

6   **SEC. 102. TABLE OF CONTENTS AMENDMENTS.**

7       Amend the table of contents of the Energy Policy and  
8 Conservation Act by—

9           (1) striking the items relating to sections 153,  
10       155, 158, 164, and 173;

11          (2) amending the item relating to section 159  
12       to read as follows:

      “SEC. 159. Development, operations, and maintenance of the Reserve.”;

13       and

14          (3) striking the items relating to part A of title  
15       II.

16   **SEC. 103. AMENDMENTS TO STATEMENT OF PURPOSES.**

17       Section 2 of the Energy Policy and Conservation Act  
18 is amended—

19          (1) in paragraph (1) by striking “standby” and  
20       “, subject to congressional review, and to impose ra-  
21       tioning, to reduce demand for energy through the  
22       implementation of energy conservation plans, and”;

23          (2) by amending paragraph (3) to read as fol-  
24       lows:

1 “(3) to increase the domestic supply of fossil  
2 energy during severe energy supply interruptions.”;  
3 and

4 (3) by amending paragraph (6) to read as fol-  
5 lows:

6 “(6) to reduce the demand for petroleum prod-  
7 ucts during severe energy supply interruptions.”.

8 **SEC. 102. TITLE I AMENDMENTS.**

9 (a) Part B of Title I of the Energy Policy and Con-  
10 servation Act (42 U.S.C. 6231) is amended—

11 (1) in section 151 (42 U.S.C. 6231)—

12 (A) in subsection (a) by striking “limited”  
13 and “short term”; and

14 (B) by amending subsection (b) to read as  
15 follows:

16 “(b) It is the policy of the United States to provide  
17 for the creation of a Strategic Petroleum Reserve for the  
18 storage of up to one billion barrels of petroleum products  
19 to reduce the impact of disruptions in supplies of petro-  
20 leum products or to carry out obligations of the United  
21 States under the international energy program.”;

22 (2) in section 152 (42 U.S.C. 6232)—

23 (A) by striking paragraph (1), and

24 (B) in paragraph (11) by striking “, the  
25 Early Storage Reserve”;

1 (3) by striking section 153 (42 U.S.C. 6233);

2 (4) in section 154 (42 U.S.C. 6234)—

3 (A) by amending subsection (a)(1) to read  
4 as follows:

5 “(a)(1) A Strategic Petroleum Reserve for the stor-  
6 age of up to one billion barrels of petroleum products shall  
7 be created pursuant to this part.”;

8 (B) by amending subsection (b) to read as  
9 follows:

10 “(b) The Secretary, acting through the Strategic Pe-  
11 troleum Reserve Office and in accordance with this part,  
12 shall exercise authority over the development, operation,  
13 and maintenance of the Reserve.”;

14 (C) by striking subsections (c) and (d);  
15 and

16 (D) by amending subsection (e) to read as  
17 follows:

18 “(e)(1) The Secretary shall prepare, and update bien-  
19 nially, a plan for the operation, maintenance and proposed  
20 expansion of the Reserve (hereinafter referred to as the  
21 SPR Plan). The SPR Plan shall include—

22 “(A) a description of the facilities that compose  
23 the Strategic Petroleum Reserve, including the type  
24 and location of each storage facility (other than stor-  
25 age facilities of the Industrial Petroleum Reserve);

1           “(B) an estimate of the volumes and types of  
2       petroleum products stored in each storage facility,  
3       including any special characteristics of such petro-  
4       leum products; and

5           “(C) an identification of the ownership of the  
6       petroleum products stored in the Reserve in any case  
7       where such products are not owned by the United  
8       States; and

9           “(D) a description of any changes that have oc-  
10      curred, or are anticipated, in the operation and  
11      maintenance of the Reserve, including any plans  
12      under consideration or proposed for the upgrading  
13      or replacement of existing facilities or the construc-  
14      tion of new storage facilities.

15       “(2) The Secretary shall, by rule, also prepare a Stra-  
16      tegic Petroleum Reserve Drawdown and Distribution Plan  
17      (hereinafter referred to as the SPR Drawdown Plan). The  
18      SPR Drawdown Plan shall set forth policy options applica-  
19      ble to the drawdown and distribution of the Reserve, in-  
20      cluding the strategy or alternative strategies of drawdown  
21      and distribution that will be considered and the criteria  
22      that will be employed to select among such strategies.  
23      Until such SPR Drawdown Plan is finalized the December  
24      1, 1992 Strategic Petroleum Reserve Drawdown (Amend-  
25      ment Number 4) shall remain in force and effect.”.

1 (5) by striking section 155 (42 U.S.C. 6235);

2 (6) in section 156(b) (42 U.S.C. 6236(b)) by  
3 striking “To implement the Early Storage Reserve  
4 Plan or the Strategic Petroleum Reserve Plan which  
5 has taken effect pursuant to section 159(a), the”  
6 and inserting “The”;

7 (7) by amending section 157 (42 U.S.C.  
8 6237)—

9 (A) in subsection (a), by striking “The  
10 Strategic Petroleum Reserve Plan shall provide  
11 for the establishment and maintenance of” and  
12 insert “The Secretary shall establish and main-  
13 tain as part of the Strategic Petroleum Re-  
14 serve”, and

15 (B) in subsection (b), by striking “To im-  
16 plement the Strategic Petroleum Reserve Plan,  
17 the Secretary shall accumulate and maintain”  
18 and inserting “The Secretary may establish and  
19 maintain as part of the Strategic Petroleum Re-  
20 serve”;

21 (8) by striking section 158 (42 U.S.C. 6238);

22 (9) in section 159 (42 U.S.C. 6239)—

23 (A) by striking subsections (a), (b), (c),  
24 (d), and (e);

1 (B) by amending subsection (f) to read as  
2 follows:

3 “(f) In order to develop, operate, or maintain the  
4 Strategic Petroleum Reserve, the Secretary may:

5 “(1) issue rules, regulation, or orders;

6 “(2) acquire by purchase, condemnation, or oth-  
7 erwise, land or interests in land for the location of  
8 storage and related facilities;

9 “(3) construct, purchase, lease, or otherwise ac-  
10 quire storage and related facilities;

11 “(4) use, lease, maintain, sell, or otherwise dis-  
12 pose of storage and related facilities acquired under  
13 this part, under such terms and conditions as the  
14 Secretary may deem necessary or appropriate;

15 “(5) acquire by purchase, exchange, or other-  
16 wise, petroleum products for storage in the Strategic  
17 Petroleum Reserve;

18 “(6) store petroleum products in storage facili-  
19 ties owned and controlled by the United States or in  
20 storage facilities owned by others if those facilities  
21 are subject to audit by the United States;

22 “(7) execute any contracts necessary to develop,  
23 operate, or maintain the Strategic Petroleum Re-  
24 serve;



1           “(8) require an importer of petroleum products  
2           or refiner to acquire and to store and maintain, in  
3           readily available inventories, petroleum products in  
4           the Industrial Petroleum Reserve, under section 156;

5           “(9) require the storage of petroleum products  
6           in the Industrial Petroleum Reserve, under section  
7           156, on terms that the Secretary specifies in storage  
8           facilities owned and controlled by the United States  
9           or in storage facilities other than those owned by the  
10          United States if those facilities are subject to audit  
11          by the United States;

12          “(10) require the maintenance of the Industrial  
13          Petroleum Reserve; and

14          “(11) bring an action, when the Secretary con-  
15          siders it necessary, in any court having jurisdiction  
16          over the proceedings, to acquire by condemnation  
17          any real or personal property, including facilities,  
18          temporary use of facilities, or other interests in land,  
19          together with any personal property located on or  
20          used with the land.”;

21                 (C) in subsection (g)—

22                         (i) by striking “implementation” and  
23                         inserting “development”; and

24                         (ii) by striking “Plan”;

1 (D) by striking subsections (h) and (i);  
2 and

3 (E) by striking in subsection (j) from “No  
4 later than” through “Amendments of 1990”  
5 and inserting in lieu thereof: “When the Sec-  
6 retary determines that, within five years, the  
7 Reserve can reasonably be expected to contain  
8 an inventory of 750,000,000 barrels,”; and

9 (F) by amending subsection (1) to read as  
10 follows:

11 “(1) During any period in which drawdown and  
12 distribution are being implemented, the Secretary  
13 may issue rules, regulations, or orders to implement  
14 the drawdown and distribution of the Strategic Pe-  
15 troleum Reserve in accordance with section 523 of  
16 this Act, without regard to the requirements of sec-  
17 tion 553 of title 5, United States Code, and section  
18 501 of the Department of Energy Organization Act  
19 (42 U.S.C. 7191).”;

20 (10) in section 160 (42 U.S.C. 6240)—

21 (A) in subsection (a), by striking all before  
22 the dash and inserting the following—

23 “(a) For the purpose of implementing the Strategic  
24 Petroleum Reserve, the Secretary may acquire, place in  
25 storage, transport, or exchange”;

1 (B) in subsection (b), by striking the third  
2 comma and “including the Early Storage Re-  
3 serve” and paragraph (2);

4 (C) by striking subsections (c), (d) and (e);  
5 (11) in section 161 (42 U.S.C. 6241)—

6 (A) by amending subsection (b) to read as  
7 follows:

8 “(b) Except as provided in subsection (f) and (g), no  
9 drawdown and distribution of the Reserve may be made  
10 except in accordance with the provisions of the Distribu-  
11 tion Plan prepared pursuant to section 154(e).”.

12 (B) by striking subsection (c).

13 (C) by amending subsection (d)(1) to read  
14 as follows:

15 “(d)(1) No drawdown and distribution of the Strate-  
16 gic Petroleum Reserve may be made unless the President  
17 has found drawdown and distribution is required by a se-  
18 vere energy supply interruption or by obligations of the  
19 United States under the international energy program.”.

20 (D) by amending subsection (e) to read as  
21 follows:

22 “(e)(1) The Secretary shall sell any petroleum prod-  
23 uct withdrawn from the Strategic Petroleum Reserve at  
24 public sale to the highest qualified bidder in the amounts,  
25 for the period, and after a notice of sale the Secretary

1 considers proper, and without regard to Federal, State,  
2 or local regulations controlling sales of petroleum prod-  
3 ucts.

4 “(2) The Secretary may cancel in whole or in part  
5 any offer to sell petroleum products as part of any  
6 drawdown and distribution under this section.”; and

7 (E) in subsection (g)—

8 (i) in paragraph (1), by striking “Dis-  
9 tribution Plan” and inserting “distribution  
10 procedures”, and

11 (ii) by striking paragraphs (2) and  
12 (6);

13 (12) by striking section 164 (42 U.S.C. 6244);

14 (13) by amending section 165 (42 U.S.C. 6245)

15 to read as follows—

16 “Sec. 165. The Secretary shall report annually to the  
17 President and the Congress on actions to implement this  
18 part. This report shall include—

19 “(1) a detailed statement of the status of the  
20 Strategic Petroleum Reserve, including—

21 “(A) the capacity of the Reserve and the  
22 scheduled annual fill rate for achieving this ca-  
23 pacity;

24 “(B) the types and quality of crude oil to  
25 be acquired for the Reserve, including the meth-

1       od of procurement, under the schedule de-  
2       scribed in subparagraph (A);

3               “(C) any conditions affecting physical in-  
4       tegrity of any Reserve facility or the petroleum  
5       products stored in any Reserve facility, that  
6       would impair the maintenance or operation of  
7       the Reserve, including any proposed remedial  
8       actions, their estimated costs, and schedules for  
9       their execution;

10              “(D) plans for the construction of new Re-  
11       serve facilities or the enhancement or improve-  
12       ment of existing Reserve facilities, including  
13       their estimated costs and schedules for comple-  
14       tion;

15              “(E) specific actions being taken or antici-  
16       pated to complete and maintain a Reserve, a  
17       750,000,000 barrel Reserve;

18              “(F) specific actions being taken to com-  
19       plete preparations of plans for expansion of the  
20       Reserve to a capacity of one billion barrels; and

21              “(G) a description of the current method  
22       of drawdown and distribution to be utilized; and

23              “(H) an explanation of any changes made  
24       in the matters described in subparagraphs (A)

1 through (G) since the transmittal of the pre-  
2 vious report under this section;

3 “(2) a summary of the actions being taken to  
4 develop, operate, or maintain the Strategic Petro-  
5 leum Reserve;

6 “(3) a summary of any actions taken or pro-  
7 posed to achieve the petroleum product storage ob-  
8 jectives for the Reserve through the acquisition of  
9 petroleum products by the acquisition of leasing of  
10 petroleum products, or by other means;

11 “(4) a review of any proposal received from a  
12 person, including a State or local governmental en-  
13 tity, that would further the objectives of the Reserve,  
14 including the financing or leasing of Reserve storage  
15 facilities or petroleum products, or both, and any an-  
16 ticipated actions on such a proposal;

17 “(5) a description of current United States and  
18 International Energy Agency policies and practices  
19 applicable to the drawdown and distribution of the  
20 Reserve, including any changes in such policies and  
21 the rationale for such changes;

22 “(6) a summary of the financial transactions in  
23 the Strategic Petroleum Reserve and SPR Petro-  
24 leum Account;

1 “(7) a summary of the existing problems with  
2 respect to operation or maintenance of the Strategic  
3 Petroleum Reserve; and

4 “(8) any recommendations for supplemental  
5 legislation the Secretary considers necessary or ap-  
6 propriate to implement this part, including any pro-  
7 posal under paragraphs (3) and (4).”.

8 (14) in section 166 (42 U.S.C. 6246) by strik-  
9 ing all after “appropriated” and inserting “such  
10 funds as may be necessary to implement this part.”;

11 (15) in section 167 (42 U.S.C. 6247)—

12 (A) in subsection (b)—

13 (i) by inserting “test sales of petro-  
14 leum products from the Reserve,” after  
15 “Strategic Petroleum Reserve,”;

16 (ii) by striking paragraph (1);

17 (iii) in paragraph (2), by striking  
18 “after fiscal year 1982”; and

19 (B) by amending subsection (e) to read as  
20 follows:

21 “(e) The Impoundment Control Act of 1974 (2  
22 U.S.C. 681–688) applies to funds made available under  
23 subsection (b).”.

24 (c) Part C of Title I of the Energy Policy and Con-  
25 servation Act (42 U.S.C. 6249, et seq.) is amended—

1 (1) in section 172 (42 U.S.C. 6249a) by strik-  
2 ing subsections (a) and (b); and

3 (2) by striking section 173 (42 U.S.C. 6249b).

4 (d) Part D of Title I of the Energy Policy and Con-  
5 servation Act is amended in section 181 (42 U.S.C. 6251),  
6 by striking “1994” each time it appears and inserting  
7 “1999”.

8 **SEC. 103. TITLE II AMENDMENTS.**

9 (a) Title II of the Energy Policy and Conservation  
10 Act is amended by striking Part A (42 U.S.C. 201  
11 through 204).

12 (b) Part B of Title II of the Energy Policy and Con-  
13 servation Act is amended by adding at the end of section  
14 256(h), “There are authorized to be appropriated for fis-  
15 cal years 1996 through 1999, such sums as may be nec-  
16 essary.”.

17 (c) Part D of Title II of the Energy Policy and Con-  
18 servation Act is amended in section 281 (42 U.S.C. 6285),  
19 by striking “1994” each time it appears and inserting  
20 “1999”.

21 **SEC. 104. TITLE III AMENDMENTS.**

22 (a) Part D of title III of the Energy Policy and Con-  
23 servation Act (42 U.S.C. 6291–6327, 6361–6374d) is  
24 amended in section 365(f) (42 U.S.C. 6325(f)) by amend-  
25 ing paragraph (1) to read as follows:



1           “(1) Except as provided in paragraph (2), for  
2           the purpose of carrying out this part, there are au-  
3           thorized to be appropriated for fiscal years 1995  
4           through 1999, such sums as may be necessary.”.

5           (b) Part G of title III of the Energy Policy and Con-  
6           servation Act (42 U.S.C. 6371, et seq.) is amended in sec-  
7           tion 397 (42 U.S.C. 6371f) is amended to read as follows:  
8           “SEC. 397. For the purpose of carrying out this part,  
9           there are authorized to be appropriated for fiscal years  
10          1995 through 1999, such sums as may be necessary.”.

11   **TITLE II—AMENDMENTS TO DEPARTMENT**  
12           **OF ENERGY ORGANIZATION ACT**

13   **SEC. 201. STANDARDIZATION OF REQUIREMENTS AFFECT-**  
14           **ING DEPARTMENT OF ENERGY EMPLOYEES.**

15          (a) REPEAL.—Part A of title VI of the Department  
16          of Energy Organization Act and its catchline (42 U.S.C.  
17          7211, 7212, and 7218) are repealed.

18          (b) CONFORMING AMENDMENT.—The table of con-  
19          tents of the Department of Energy Organization Act is  
20          amended by striking out the matter relating to part A of  
21          title VI.

22   **TITLE III—INITIATIVES PERTAINING TO**  
23   **THE LOWER MISSISSIPPI DELTA REGION**

24   **SEC. 301. FINDINGS.**

25          (a) The Congress finds that—

1           (1) in 1988, Congress enacted Public Law 100–  
2           460, establishing the Lower Mississippi Delta Devel-  
3           opment Commission, to assess the needs, problems,  
4           and opportunities of people living in the Lower Mis-  
5           sissippi Delta Region that includes 219 counties and  
6           parishes within the States of Arkansas, Illinois, Ken-  
7           tucky, Louisiana, Mississippi, Missouri, and Ten-  
8           nessee;

9           (2) the Commission conducted a thorough in-  
10          vestigation to assess these needs, problems, and op-  
11          portunities, and held several public hearings  
12          throughout the Delta Region;

13          (3) on the basis of these investigations, the  
14          Commission issued the Delta Initiatives Report,  
15          which included recommendations on natural resource  
16          protection, historic preservation, and the enhance-  
17          ment of educational and other opportunities for  
18          Delta Region residents; and

19          (4) the Delta Initiatives Report recommended—

20                (A) the implementation of precollege edu-  
21                cation programs in mathematics and science as  
22                well as other initiatives to enhance the edu-  
23                cational and technical capabilities of the Delta  
24                work force;

1 (B) that States and local systems seek  
2 ways to expand the pool of qualified educators  
3 in mathematics and the sciences;

4 (C) that institutions in the Delta Region  
5 work with local school districts to promote  
6 mathematics and science education;

7 (D) that Federal agencies target more re-  
8 search and development monies in selected  
9 areas to institutions of higher education in the  
10 Delta Region, especially Historically Black Col-  
11 leges and Universities;

12 (E) that institutions of higher education  
13 establish a regional consortium to provide tech-  
14 nical assistance and training to increase inter-  
15 national trade between businesses in the Delta  
16 Region and foreign countries;

17 (F) that the Federal government should  
18 create economic incentives to encourage the lo-  
19 cation of value-added facilities for processing  
20 agricultural products within the Delta Region;  
21 and

22 (G) that Congress provide practical incen-  
23 tives to encourage the construction of alter-  
24 native fuel production facilities in the Delta Re-  
25 gion.

1 **SEC. 302. DEFINITIONS.**

2 As used in this title, the term—

3 (1) “Center” means the Delta Energy Tech-  
4 nology and Business Development Center established  
5 under section 303 of this Act;

6 (2) “Commission” means the Lower Mississippi  
7 Delta Development Commission established pursuant  
8 to Public Law 100–460;

9 (3) “Delta Initiatives Report” means the May  
10 14, 1990 Final Report of the Commission entitled  
11 “The Delta Initiatives: Realizing the Dream. . . Ful-  
12 filling the Potential”;

13 (4) “Delta Region” means the Lower Mis-  
14 sissippi Delta Region including the 219 counties and  
15 parishes within the States of Arkansas, Illinois, Ken-  
16 tucky, Louisiana, Mississippi, Missouri, and Ten-  
17 nessee, as defined in the Delta Initiatives Report,  
18 except that, for any State for which the Delta Re-  
19 gion as defined in such report comprises more than  
20 half of the geographic area of such State, the entire  
21 State shall be considered part of the Delta Region  
22 for purposes of this Act;

23 (5) “Department” means the United States De-  
24 partment of Energy, unless otherwise specifically  
25 stated;

1           (6) “departmental laboratory” means a facility  
2           operated by or on behalf of the Department of En-  
3           ergy that would be considered a laboratory as that  
4           term is defined in section 12 of the Stevenson-  
5           Wydler Technology Innovation Act of 1980 (15  
6           U.S.C. 3710(d)(2)) or other laboratory or facility  
7           the Secretary designates;

8           (7) “Historically Black College or University”  
9           means a college or university that would be consid-  
10          ered a “part B institution” by section 322(2) of the  
11          Higher Education act of 1965 (20 U.S.C. 1061(2));

12          (8) “minority college or University” means a  
13          Historically Black College or University that would  
14          be considered a “part B institution” by section  
15          322(2) of the Higher Education Act of 1965 (20  
16          U.S.C. 1061(2)) or a “minority institution” as that  
17          term is defined in section 1046 of the Higher Edu-  
18          cation Act of 1965 (20 U.S.C. 1135d-5(3));

19          (9) “persons in the Delta Region” means an  
20          entity primarily located in the Delta Region, the  
21          controlling interest (as defined by the Secretary) of  
22          which is held by persons of the United States, in-  
23          cluding—

24                 (A) a for-profit entity;

1 (B) a private foundation or corporation ex-  
2 empt under section 501(c)(3) of the Internal  
3 Revenue Code;

4 (C) a nonprofit organization such as a  
5 public trust;

6 (D) a trade or professional society;

7 (E) a tribal government;

8 (F) institutions of higher education; or

9 (G) a unit of State or local government;

10 and

11 (10) “Secretary” means the Secretary of En-  
12 ergy, unless otherwise specifically stated.

13 **SEC. 303. DELTA ENERGY TECHNOLOGY AND BUSINESS DE-**  
14 **VELOPMENT CENTER.**

15 (a) ESTABLISHMENT.—The Secretary shall enter into  
16 an agreement with Louisiana State University in partner-  
17 ship with Southern University in Baton Rouge, Louisiana,  
18 to establish the Delta Energy Technology and Business  
19 Development Center. The agreement shall provide for co-  
20 operative agreements with the University of Arkansas at  
21 Pine Bluff, Arkansas, and Alcorn State University in  
22 Lorman, Mississippi, and other universities and institu-  
23 tions in the Delta Region, to carry out affiliated programs  
24 and coordinate program activities at such universities and  
25 institutions.

1 (b) PURPOSE.—The purpose of the Center shall be  
2 to—

3 (1) foster the creation and retention of energy  
4 resource and manufacturing and related energy serv-  
5 ice jobs in the Delta Region;

6 (2) encourage the export of energy resources  
7 and technologies, including services related thereto,  
8 from the Delta Region;

9 (3) develop markets for energy resources and  
10 technologies manufactured in the Delta Region for  
11 use in meeting the energy resource and technology  
12 needs of foreign countries;

13 (4) encourage the successful, long-term market  
14 penetration of energy resources and technologies  
15 manufactured in the Delta Region into foreign coun-  
16 tries;

17 (5) encourage participation in energy-related  
18 projects in foreign countries by persons in the Delta  
19 Region as well as the utilization in such projects of  
20 energy resources and technologies significantly devel-  
21 oped, demonstrated, or manufactured in the Delta  
22 Region; and

23 (6) assist in the establishment of technology  
24 transfer programs in cooperation with Federal lab-

1 oratories to create businesses in energy resources  
2 and technology in the Delta Region.

3 (c) GENERAL.—The Center, in cooperation with par-  
4 ticipating universities and institutions in the Delta Re-  
5 gion, shall—

6 (1) identify and foster the establishment of  
7 flexible manufacturing networks in consultation with  
8 the States of the Delta Region to promote the devel-  
9 opment of energy resources and technologies that  
10 have the potential to expand technology development  
11 and manufacturing in, and exports from, the Delta  
12 Region;

13 (2) provide technical, business, training, mar-  
14 keting, and other assistance to persons in the Delta  
15 Region;

16 (3) develop a comprehensive database and infor-  
17 mation dissemination system, that will provide de-  
18 tailed information on the specific energy resources  
19 and technologies of the Delta Region itself, as well  
20 as domestic and international market opportunities  
21 for businesses in the Delta Region, and electronically  
22 link the Center with other institutions of higher edu-  
23 cation in the Delta Region;

24 (4) establish a network of business and tech-  
25 nology incubators to promote the design, manufac-



1       ture, and sale of energy resources and technologies  
2       from the Delta Region;

3           (5) enter into contracts, cooperative agree-  
4       ments, and other arrangements with the Federal  
5       government, international development agencies, or  
6       persons in the Delta Region to carry out these objec-  
7       tives; and

8           (6) coordinate existing Department and other  
9       Federal programs having comparable goals and pur-  
10      poses.

11      (d) ASSISTANCE FROM THE SECRETARY.—The Sec-  
12     retary is authorized to provide the Center assistance in  
13     obtaining such personnel, equipment, and facilities as may  
14     be needed by the Center and affiliated participating uni-  
15     versities and institutions to carry out its activities under  
16     this section.

17      (e) GRANTS.—The Secretary is authorized to provide  
18     grants and other forms of financial assistance to the Cen-  
19     ter for the Center and participating universities and insti-  
20     tutions to (1) support the creation of flexible manufactur-  
21     ing networks as identified in subsection (c)(1); and (2)  
22     develop the comprehensive database described in para-  
23     graph (c)(3); and (3) support the training, marketing, and  
24     other related activities of the Center.

1 (f) ACCEPTANCE OF GRANTS AND TRANSFERS.—The  
 2 Center may accept—

3 (A) grants and donations from private individ-  
 4 uals, groups, organizations, corporations, founda-  
 5 tions, State and local governments, and other enti-  
 6 ties; and

7 (B) transfers of funds from other Federal agen-  
 8 cies.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
 10 are authorized to be appropriated such sums as may be  
 11 necessary to carry out the programs under this section and  
 12 for the establishment, operation, construction, and main-  
 13 tenance of the Center and facilities of participating univer-  
 14 sities and institutions.

15 **SEC. 304. INSTITUTIONAL CONSERVATION PROGRAM FOR**  
 16 **THE DELTA REGION.**

17 Title III of the Energy Policy and Conservation Act  
 18 (42 U.S.C. 6371, et seq.) is amended by adding a new  
 19 section 400K as follows:

20 “INSTITUTIONAL CONSERVATION PROGRAM FOR THE  
 21 DELTA REGION

22 “SEC. 400K. (a) PURPOSE.—The purpose of this sec-  
 23 tion is to encourage the use of energy conservation meas-  
 24 ures in the schools and hospitals of the Delta Region.

25 “(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—  
 26 Not later than 12 months after the date of the enactment

1 of the Lower Mississippi Delta Initiatives Act of 1993, the  
2 Secretary is authorized to provide grants to schools or hos-  
3 pitals, or to consortiums consisting of a school or hospital  
4 and one or more of the following: State or unit of local  
5 government; local education agency; State hospital facili-  
6 ties agency; or State school facilities agency. Such grants  
7 shall be for purposes of conducting innovative energy con-  
8 servation projects and providing Federal financing for en-  
9 ergy conservation projects at schools and hospitals in the  
10 Delta Region.

11 “(c) APPLICATIONS.—(1) Applications of schools or  
12 hospitals for grants under this section shall be made not  
13 more than once for any fiscal year. Such applications shall  
14 be submitted to the State energy agency, in consultation  
15 with the Planning and Development Districts in the Delta  
16 Region, and the State energy agency shall make a single  
17 submittal to the Secretary containing all applications  
18 which comply with subsection (e).

19 “(2) Applications for grants shall contain, or be ac-  
20 companied by, such information as the Secretary may rea-  
21 sonably require in accordance with regulations governing  
22 institutional conservation programs under this part; pro-  
23 vided, however, that the Secretary shall encourage flexible  
24 and innovative approaches consistent with this Act.

1       “(d) SELECTION OF APPLICATIONS.—(1) Not later  
2 than six months after the receipt of applications under  
3 subsection (c), the Secretary shall select at least seven,  
4 but not more than 21, proposals from States to receive  
5 grants under subsection (b).

6       “(2) The Secretary may select more than 21 applica-  
7 tions under this subsection, if the Secretary determines  
8 that the total amount of available funds is not likely to  
9 be otherwise utilized.

10       “(3) No one State shall receive less than one, or more  
11 than four, grants under subsection (b).

12       “(4) Such grants shall be in addition to such grants  
13 as would otherwise be provided under part G of this Act.

14       “(5) No one grant recipient under this section shall  
15 receive Federal funds in excess of \$2,000,000.

16       “(e) SELECTION CRITERIA.—The Secretary shall se-  
17 lect recipients of grants under this section on the basis  
18 of the following criteria:

19               “(1) The location of the grant recipient in the  
20 Delta Region.

21               “(2) The demonstrated or potential resources  
22 available to the grant applicant for carrying out the  
23 purposes of this section.

1           “(3) The demonstrated or potential ability of  
2           the grant applicant to improve energy conservation  
3           measures in the designated school or hospital.

4           “(4) Such other criteria as the Secretary deems  
5           appropriate for carrying out the purposes of this  
6           section.

7           “(f) DEFINITION.—For purposes of this section, the  
8           term ‘Delta Region’ means the Lower Mississippi Delta  
9           Region including the 219 counties and parishes within the  
10          States of Arkansas, Illinois, Kentucky, Louisiana, Mis-  
11          sissippi, Missouri, and Tennessee, as defined in the May  
12          14, 1990, Final Report of the Lower Mississippi Delta De-  
13          velopment Commission entitled ‘The Delta Initiatives: Re-  
14          alizing the Dream . . . Fulfilling the Potential.’

15          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
16          is authorized to be appropriated for purposes of carrying  
17          out this section, to remain available until expended, not  
18          more than \$20,000,000 for each of fiscal years 1996, and  
19          1997, and 1998.”.

20       **SEC. 305. ENERGY RELATED EDUCATIONAL INITIATIVES.**

21          (a) MINORITY COLLEGE OR UNIVERSITY INITIA-  
22          TIVE.—(1) Within one year after the date of the enact-  
23          ment of this Act, and annually thereafter, the Secretary  
24          shall submit to the Committee on Energy and Natural Re-  
25          sources of the United States Senate and to the United

1 States House of Representatives a report identifying op-  
2 portunities for minority colleges and universities to par-  
3 ticipate in programs and activities carried out by the De-  
4 partment or the departmental laboratories. The Secretary  
5 shall consult with representatives of minority colleges or  
6 universities in preparing the report. Such report shall—

7           (A) describe ongoing education and training  
8           programs carried out by the Department or the de-  
9           partmental laboratories with respect to, or in con-  
10          junction with, minority colleges or universities in the  
11          areas of mathematics, science, and engineering;

12          (B) describe ongoing research, development,  
13          demonstration, or commercial application activities  
14          involving the Department or the departmental lab-  
15          oratories and minority colleges or universities;

16          (C) describe funding levels for the programs re-  
17          ferred to in subparagraphs (A) and (B);

18          (D) identify ways for the Department or the de-  
19          partmental laboratories to assist minority colleges or  
20          universities in providing education and training in  
21          the fields of mathematics, the sciences, and engi-  
22          neering;

23          (E) identify ways for the Department or the de-  
24          partmental laboratories to assist minority colleges  
25          and universities in entering into partnerships;

1 (F) address the need for, and potential role of,  
2 the Department or the departmental laboratories in  
3 providing minority colleges or universities with—

4 (i) increased research opportunities for fac-  
5 ulty and students;

6 (ii) assistance in faculty development and  
7 recruitment;

8 (iii) curriculum enhancement and develop-  
9 ment; and

10 (iv) improved laboratory instrumentation  
11 and equipment, including computer equipment,  
12 through purchase, loan, or other transfer mech-  
13 anisms;

14 (G) address the need for, and potential role of,  
15 the Department or departmental laboratories in pro-  
16 viding financial and technical assistance for the de-  
17 velopment of infrastructure facilities, including  
18 buildings and laboratory facilities, at minority col-  
19 leges and universities; and

20 (H) make specific proposals and recommenda-  
21 tions, together with estimates of necessary funding  
22 levels, for initiatives to be carried out by the Depart-  
23 ment or the departmental laboratories in order to  
24 assist minority colleges or universities in providing  
25 education and training in the areas of mathematics,

1 the sciences, and engineering, and in entering into  
2 partnerships with the Department or departmental  
3 laboratories.

4 (2) The Secretary shall encourage memoranda of un-  
5 derstanding and other appropriate forms of agreement be-  
6 tween the Department and minority colleges and univer-  
7 sities directed at jointly planning and developing programs  
8 to foster greater involvement of minority colleges and uni-  
9 versities in research, education, training, and recruitment  
10 activities of the Department.

11 (b) MINORITY COLLEGE AND UNIVERSITY SCHOLAR-  
12 SHIP PROGRAMS FOR THE DELTA REGION.—The Sec-  
13 retary shall establish a scholarship program for students  
14 pursuing undergraduate or graduate degrees in energy-re-  
15 lated scientific, mathematical, engineering, and technical  
16 disciplines at minority colleges and universities in the  
17 Delta Region. The scholarship program shall include tui-  
18 tion assistance. Recipients of such scholarships shall be  
19 students deemed by the Secretary to have demonstrated  
20 (1) a need for such assistance and (2) academic potential  
21 in the particular area of study.

22 (c) PRE-COLLEGE EDUCATION.—The Secretary shall  
23 undertake activities to encourage pre-college education  
24 programs in energy-related scientific, mathematical, engi-  
25 neering, and technical disciplines for students in the Delta



1 Region. Such activities shall include, but not be limited  
2 to the following:

3 (1) Cooperation with, and assistance to, State  
4 departments of education and local school districts  
5 in the Delta Region to develop and carry out after  
6 school and summer education programs for elemen-  
7 tary, middle, and secondary school students in en-  
8 ergy-related scientific, mathematical, engineering  
9 and technical disciplines.

10 (2) Cooperation with, and assistance to, institu-  
11 tions of higher education in the Delta Region to de-  
12 velop and carry out pre-college education programs  
13 in energy-related scientific, mathematical, engineer-  
14 ing, and technical disciplines for middle and second-  
15 ary school students.

16 (3) Cooperation with, and assistance to, State  
17 departments of education and local school districts  
18 in the development and use of curriculum and edu-  
19 cational materials in energy-related scientific, mathe-  
20 matical, engineering, and technical disciplines for  
21 middle and secondary students.

22 (4) The establishment of education programs in  
23 subjects relating to energy-related scientific, mathe-  
24 matical, engineering, and technical disciplines for el-

1        elementary, middle, and secondary school teachers in  
2        the Delta Region.

3        (d) VOLUNTEER PROGRAM.—The Secretary shall  
4        carry out a program to encourage the involvement on a  
5        voluntary basis of qualified employees of the Department  
6        in education programs relating to energy-related scientific,  
7        mathematical, engineering, and technical disciplines, in co-  
8        operation with State departments of education and local  
9        school districts in the Delta Region.

10        (e) WOMEN AND MINORITIES IN THE SCIENCES.—  
11        The Secretary shall establish a Center for Excellence in  
12        the Sciences at Alcorn State in Lorman, Mississippi, in  
13        cooperation with Southern University in Baton Rouge,  
14        Louisiana, and the University of Arkansas at Pine Bluff,  
15        Arkansas, and other minority colleges or universities for  
16        purposes of encouraging women and minority students in  
17        the Delta Region to study and pursue careers in the  
18        sciences, mathematics, engineering and technical dis-  
19        ciplines. The Center shall enter into cooperative agree-  
20        ments with Southern University in Baton Rouge, Louisi-  
21        ana, and the University of Arkansas at Pine Bluff, Arkan-  
22        sas, and other minority colleges and universities in the  
23        Delta Region, to carry out affiliated programs and coordi-  
24        nate programs activities at such colleges and universities.

1 The Secretary is authorized to provide grants and other  
2 forms of financial assistance to the Center.

3 (f) COORDINATION WITH OTHER FEDERAL AGEN-  
4 CIES.—The Secretary shall ensure that the programs au-  
5 thorized in this section are coordinated with, and com-  
6 plimentary to, education assistance programs adminis-  
7 tered by the Department and by other Federal agencies  
8 in the Delta Region. These agencies include, but are not  
9 limited to, the Department of the Interior, the Depart-  
10 ment of Agriculture, the Department of Education, the  
11 National Science Foundation, and the National Aero-  
12 nautics and Space Administration.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 hereby authorized to be appropriated such sums as may  
15 be necessary to carry out the purposes of this section.

16 **SEC. 306. INTEGRATED BIOMASS ENERGY SYSTEMS.**

17 (a) PROGRAM DIRECTION.—The Secretary, in con-  
18 sultation with the Secretary of Agriculture, shall conduct  
19 a research, development and demonstration program to  
20 determine the economic viability of integrated biomass en-  
21 ergy systems within the Delta Region.

22 (b) PROGRAM PLAN.—Not later than six months  
23 after the date of enactment of this Act, the Secretary shall  
24 prepare and submit to the Congress a program plan to  
25 guide the activities under this section.

1 (c) SOLICITATION OF PROPOSALS.—Not later than  
2 one year after the date of enactment of this Act, the Sec-  
3 retary shall solicit proposals for conducting activities con-  
4 sistent with the program plan. Such activities shall include  
5 at least three demonstrations of integrated biomass energy  
6 systems that—

7 (1) involve the production of dedicated energy  
8 crops of not less than 25,000 acres per demonstra-  
9 tion;

10 (2) include predominately herbaceous energy  
11 crops;

12 (3) include predominately short-rotation woody  
13 crops;

14 (4) demonstrate cost-effective methods of grow-  
15 ing, harvesting, storing, transporting, and preparing  
16 energy crops for conversion to electricity or trans-  
17 portation fuel; and

18 (5) result in the conversion of such crops to  
19 electricity or transportation fuel by a non-Federal  
20 energy producer or the Tennessee Valley Authority.

21 (d) COST SHARING.—(1) For research, development,  
22 and demonstration programs carried out under this sec-  
23 tion, the Secretary shall require a commitment from non-  
24 Federal sources of at least 20 percent of the cost of the  
25 project.

1       (2) The Secretary shall require at least 50 percent  
2 of the costs directly and specifically related to any dem-  
3 onstration or commercial application project under this  
4 section to be provided from non-Federal sources. The Sec-  
5 retary may reduce the non-Federal requirement under this  
6 section if the Secretary determines that the reduction is  
7 necessary and appropriate considering the technological  
8 risks involved in the project and is necessary to meet the  
9 objectives of this section.

10       (3) In calculating the amount of the non-Federal  
11 commitment under paragraph (1) or (2), the Secretary  
12 shall include cash, personnel, services, equipment, and  
13 other resources.

14       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated for purposes of carrying out  
16 this section, to remain available until expended, not more  
17 than \$10,000,000 for each of fiscal years 1996, 1997, and  
18 1998.

19 **SEC. 307. WEATHERIZATION ASSISTANCE PROGRAM FOR**  
20 **THE DELTA REGION.**

21       Title IV of the Energy Conservation and Production  
22 Act (42 U.S.C. 6851, 6861–6846) is further amended by  
23 adding a new section 423 as follows:

1 “WEATHERIZATION ASSISTANCE PROGRAM FOR THE  
2 DELTA REGION

3       “SEC. 423. (a) PURPOSE.—The purpose of this sec-  
4       tion is to encourage the weatherization of low-income  
5       dwelling units in the Delta Region.

6           “(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—  
7 Not later than 12 months after the date of the enactment  
8 of the Lower Mississippi Delta Initiatives Act of 1993, the  
9 Secretary shall make grants to (1) States, and (2) in ac-  
10 cordance with the provisions of subsection (413)(d), to In-  
11 dian tribal organizations to serve Native Americans in the  
12 Delta Region. Such grants shall be made for the purposes  
13 of providing financial assistance for the weatherization of  
14 low-income dwelling units.

“(c) APPLICATIONS.—(1) Applications of States or Indian tribal organizations for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State weatherization agency, in consultation with Community Action Agencies and Planning and Development Districts in the Delta Region, and the State weatherization agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

24       “(2) Applications for grants for energy conservation  
25 projects shall contain, or be accompanied by, such infor-

1 mation as the Secretary may reasonably require in accord-  
2 ance with regulations governing weatherization assistance  
3 programs under this Part.

4 “(d) SELECTION OF APPLICATIONS.—(1) The Sec-  
5 retary shall select applications from States to receive  
6 grants under subsection (b).

7 “(2) Such grants shall be in addition to such grants  
8 as would otherwise be provided under section 414 of this  
9 Act.

10 “(3) No one grant recipient under this section shall  
11 receive Federal funds in excess of \$2,000,000.

12 “(e) SELECTION CRITERIA.—The Secretary shall se-  
13 lect recipients of grants under this section in accordance  
14 with the requirements of sections 414(b) and 415 of this  
15 Act, and on the basis of the following criteria:

16 “(1) The location of the grant applicant in the  
17 Delta Region.

18 “(2) The demonstrated or potential resources  
19 available to the grant applicant for carrying out the  
20 purposes of this section.

21 “(3) The demonstrated or potential ability of  
22 the grant applicant to improve energy efficiency in  
23 low-income dwelling units.

24 “(f) COORDINATION WITH OTHER WEATHERIZATION  
25 ASSISTANCE PROGRAMS.—The Secretary shall ensure that

1 the programs authorized in this section are coordinated  
2 with, and complimentary to, Department weatherization  
3 assistance programs under section 413, 414A and 414B  
4 of this title.

5 “(g) DEFINITION.—For purposes of this section, the  
6 term ‘Delta Region’ means the Lower Mississippi Delta  
7 Region including the 219 counties and parishes within the  
8 States of Arkansas, Illinois, Kentucky, Louisiana, Mis-  
9 sissippi, Missouri, and Tennessee, as defined in the May  
10 14, 1990 Final Report of the Lower Mississippi Delta De-  
11 velopment Commission entitled ‘The Delta Initiatives: Re-  
12 alizing the Dream . . . Fulfilling the Potential.’

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
14 is authorized to be appropriated for purposes of carrying  
15 out this section, to remain available until expended, not  
16 more than \$20,000,000 for each of fiscal years 1996,  
17 1997, and 1998.”.

18 **SEC. 308. RENEWABLE ENERGY PRODUCTION INCENTIVES.**

19 Section 1212 of the Energy Policy Act of 1992 (42  
20 U.S.C. 13317) is amended by inserting immediately after  
21 “foregoing,” the following: “by the Tennessee Valley Au-  
22 thority,”.



1 **TITLE IV—PURCHASES FROM THE STRA-**  
2 **TEGIC PETROLEUM RESERVE BY THE**  
3 **STATE OF HAWAII.**

4 SEC. 401. (a) GENERAL PROVISIONS.—Section 161  
5 of the Energy Policy and Conservation Act (42 U.S.C.  
6 6241) is amended by adding at the end the following new  
7 subsection:

8 “(j)(1) With respect to each offering of a quantity  
9 of petroleum product during a drawdown of the Strategic  
10 Petroleum Reserve—

11 “(A) the State of Hawaii, in addition to having  
12 the opportunity to submit a competitive bid, may—

13 “(i) submit a binding offer, and shall on  
14 submission of the bid, be entitled to purchase a  
15 category of petroleum product specified in a no-  
16 tice of sale at a price equal to the volumetrically  
17 weighted average of the successful bids made  
18 for the remaining quantity of petroleum product  
19 within the category that is the subject of the of-  
20 fering; and

21 “(ii) submit one or more alternative offers,  
22 for other categories of petroleum product, that  
23 will be binding in the event that no price com-  
24 petitive contract is awarded for the category of

1           petroleum product on which a binding offer is  
2           submitted under clause (i); and

3           “(B) at the request of the Governor of the  
4           State of Hawaii, petroleum product purchased by  
5           the State of Hawaii at a competitive sale or through  
6           a binding offer shall have first preference in schedul-  
7           ing for lifting.

8           “(2)(A) In administering this subsection, and with re-  
9           spect to each offering, the Secretary may impose the limi-  
10          tation described in subparagraph (B) or (C) that results  
11          in the purchase of the lesser quantity of petroleum prod-  
12          uct.

13          “(B) The Secretary may limit the quantity of petro-  
14          leum product that the State of Hawaii may purchase  
15          through a binding offer at any one offering to 1-1/2 of  
16          the total quantity of imports of petroleum product brought  
17          into the State during the previous year (or other period  
18          determined by the Secretary to be representative).

19          “(C) The Secretary may limit the quantity that may  
20          be purchased through binding offers at any one offering  
21          to 3 percent of the offering.

22          “(3) Notwithstanding any limitation imposed under  
23          paragraph (2), in administering this subsection, and with  
24          respect to each offering, the Secretary shall, at the request  
25          of the Governor of the State of Hawaii, adjust the quan-

1 tity to be sold to the State of Hawaii or an eligible entity  
2 certified under paragraph (6), as follows:

3 “(A) The Secretary shall adjust upward to the  
4 next whole number increment of a full tanker load  
5 if the quantity to be sold is—

6 “(i) less than one full tanker load; or

7 “(ii) greater than or equal to 50 percent of  
8 a full tanker load more than a whole number  
9 increment of a full tanker load.

10 “(B) The Secretary shall adjust downward to  
11 the next whole number increment of a full tanker  
12 load if the quantity to be sold is less than 50 percent  
13 of a full tanker load more than a whole number in-  
14 crement of a full tanker load.

15 “(4) The State of Hawaii or an eligible entity may  
16 enter into an exchange or a processing agreement that re-  
17 quires delivery to other locations, so long as petroleum  
18 product of similar value or quantity is delivered to the  
19 State of Hawaii.

20 “(5) Except as otherwise provided in this Act, the  
21 Secretary may require the State of Hawaii and any eligible  
22 entity that purchases petroleum product under this sub-  
23 section to comply with the standard sales provisions appli-  
24 cable to purchasers of petroleum product at competitive  
25 sales.

1       “(6)(A) Notwithstanding the foregoing, and subject  
2 to subparagraphs (B) and (C), if the Governor of the State  
3 of Hawaii certifies to the Secretary that the State has en-  
4 tered into an agreement with an eligible entity to effec-  
5 tuate the purposes of this Act, such eligible entity may  
6 submit a binding offer and receive first preference in  
7 scheduling for lifting in accordance with this subsection.

8       “(B) The Governor of the State of Hawaii shall not  
9 certify more than one eligible entity under this paragraph  
10 for each notice of sale.

11       “(C) If the Secretary has notified the Governor of  
12 the State of Hawaii that a company has been barred from  
13 bidding (either prior to, or at the time that a notice of  
14 sale is issued), the Governor shall not certify such com-  
15 pany under the paragraph.

16       “(7) As used in this subsection—

17               “(A) the term ‘binding offer’ means a bid sub-  
18 mitted by the State of Hawaii or an eligible entity  
19 for an assured award of a specific quantity of petro-  
20 leum product, with a price to be calculated pursuant  
21 to this Act, that obligates the offeror to take title to  
22 the petroleum product without further negotiation or  
23 recourse to withdraw the offer;

24               “(B) the term ‘category of petroleum’ means  
25 the master line items within a notice of sale;

1           “(C) the term ‘eligible entity’ means an entity  
2           that owns or controls a refinery that is located with-  
3           in the State of Hawaii;

4           “(D) the term ‘full tanker load’ means a tanker  
5           of approximately 700,000 barrels of capacity, or  
6           such lesser tanker capacity as may be designated by  
7           the State of Hawaii or the eligible entity submitting  
8           the binding offer;

9           “(E) the term ‘offering’ means a solicitation for  
10          bids for a quantity or quantities of petroleum prod-  
11          uct from the Strategic Petroleum Reserve as speci-  
12          fied in the notice of sale; and

13          “(F) the term ‘notice of sale’ means the docu-  
14          ment that announces—

15               “(i) the sale of strategic petroleum reserve  
16               products;

17               “(ii) the quantity, characteristics, and loca-  
18               tion of the petroleum product being sold;

19               “(iii) the delivery period for the sale; and

20               “(iv) the procedures for submitting of-  
21               fers.”.

22          (b) EFFECTIVE DATE.—The amendment made by  
23          subsection (a) shall take effect on the date that is 180  
24          days after the date of enactment of this Act or the date

1 that final regulations are promulgated pursuant to section  
2 3, whichever is sooner.

3 **SEC. 402. REGULATIONS.**

4 (a) IN GENERAL.—The Secretary shall promulgate  
5 such regulations as are necessary to carry out section 2.

6 (b) PLAN AMENDMENTS.—No amendment of the  
7 Strategic Petroleum Reserve Plan or the Distribution Plan  
8 contained in the Strategic Petroleum Reserve Plan is re-  
9 quired for any action taken under this Act if the Secretary  
10 determines that an amendment to the plan is necessary  
11 to carry out this section.

12 (c) ADMINISTRATIVE PROCEDURE.—Regulations is-  
13 sued to carry out this Act shall not be subject to—

14 (1) section 523 of the Energy Policy and Con-  
15 servation Act (42 U.S.C. 6393); or

16 (2) section 501 of the Department of Energy  
17 Organization Act (42 U.S.C. 7191).

18 **TITLE V—DEPARTMENT OF ENERGY**

19 **TECHNOLOGY PARTNERSHIPS**

20 **SEC. 501. SHORT TITLE.**

21 This title may be cited as the “Department of Energy  
22 National Competitiveness Technology Partnership Act of  
23 1994”.

24 **SEC. 502. DEFINITIONS.**

25 For purposed of this title, the term—

1 (a) “Department” means the United States De-  
2 partment of Energy; and

3 (b) “Secretary” means the Secretary of the  
4 United States Department of Energy.

5 **SEC. 503. COMPETITIVENESS AMENDMENT TO THE DE-**  
6 **PARTMENT OF ENERGY ORGANIZATION ACT.**

7 (a) The Department of Energy Organization Act is  
8 amended by adding the following new title (42 U.S.C.  
9 7101 et seq.):

10 **“TITLE XI—TECHNOLOGY PARTNERSHIPS**

11 **“SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.**

12 “(a) FINDINGS.—For purposes of this title, Congress  
13 finds that—

14 “(1) the Department has scientific and tech-  
15 nical resources within the departmental laboratories  
16 in many areas of importance to the economic, sci-  
17 entific and technological competitiveness of United  
18 States industry;

19 “(2) the extensive scientific and technical in-  
20 vestment in people, facilities and equipment in the  
21 departmental laboratories can contribute to the  
22 achievement of national technology goals in areas  
23 such as the environment, health, space, and trans-  
24 portation;

1           “(3) the Department has pursued aggressively  
2           the transfer of technology from departmental labora-  
3           tories to the private sector; however, the capabilities  
4           of the laboratories could be made more fully acces-  
5           sible to United States industry and to other Federal  
6           agencies;

7           “(4) technology development has been increas-  
8           ingly driven by the commercial marketplace, and the  
9           private sector has research and development capa-  
10          bilities in a broad range of generic technologies;

11          “(5) the Department and the departmental lab-  
12          oratories would benefit, in carrying out their mis-  
13          sions, from collaboration and partnership with Unit-  
14          ed States industry and other Federal agencies; and

15          “(6) partnerships between the departmental  
16          laboratories and United States industry can provide  
17          significant benefits to the Nation as a whole, includ-  
18          ing creation of jobs for United States workers and  
19          improvement of the competitive position of the Unit-  
20          ed States in key sectors of the economy such as  
21          aerospace, automotive, chemical and electronics.

22          “(b) PURPOSES.—The purposes of this title are—

23               “(1) to promote partnerships among the De-  
24               partment, the departmental laboratories and the pri-  
25               vate sector;



1           “(2) to establish a goal for the amount of de-  
2       partmental laboratory resources to be committed to  
3       partnerships;

4           “(3) to ensure that the Department and the de-  
5       partmental laboratories play an appropriate role,  
6       consistent with the core competencies of the labora-  
7       tories, in implementing the President’s critical tech-  
8       nology strategies;

9           “(4) to provide additional authority to the Sec-  
10      retary to enter into partnerships with the private  
11      sector to carry out research, development, dem-  
12      onstration and commercial application activities;

13          “(5) to streamline the approval process for co-  
14      operative research and development agreements pro-  
15      posed by the departmental laboratories; and

16          “(6) to facilitate greater cooperation between  
17      the Department and other Federal agencies as part  
18      of an integrated national effort to improve United  
19      States competitiveness.

20          “(c) DEFINITIONS.—For purposes of this title, the  
21      term—

22          “(1) ‘cooperative research and development  
23      agreement’ has the meaning given that term in sec-  
24      tion 12 of the Stevenson-Wydler Technology Innova-  
25      tion Act of 1980 (15 U.S.C. 3710a(d)(1));

1           “(2) ‘core competency’ means an area in which  
2           the Secretary determines a departmental laboratory  
3           has developed expertise and demonstrated capabilities;  
4           ties;

5           “(3) ‘critical technology’ means a technology  
6           identified in the Report of the National Critical  
7           Technologies Panel;

8           “(4) ‘departmental laboratory’ means a facility  
9           operated by or on behalf of the Department that  
10          would be considered a laboratory as that term is de-  
11          fined in section 12 of the Stevenson-Wydler Tech-  
12          nology Innovation Act of 1980 (15 U.S.C.  
13          3710a(d)(2)) or any other laboratory or facility des-  
14          ignated by the Secretary;

15          “(5) ‘disadvantaged’ has the same meaning as  
16          that term has in section 8(a) (5) and (6) of the  
17          Small Business Act (15 U.S.C. 637(a) (5) and (6));

18          “(6) ‘dual-use technology’ means a technology  
19          that has military and commercial applications;

20          “(7) ‘educational institution’ means a college,  
21          university, or elementary or secondary school, in-  
22          cluding any not-for-profit organization dedicated to  
23          education that would be exempt under section  
24          501(a) of the Internal Revenue Code of 1986;

1           “(8) ‘minority college or university’ means a  
2           historically Black college or university that would be  
3           considered a ‘part B institution’ by section 322(2) of  
4           the Higher Education Act of 1965 (20 U.S.C.  
5           1061(2)) or a ‘minority institution’ as that term is  
6           defined in section 1046 of the Higher Education Act  
7           of 1965 (20 U.S.C. 1135d–5(3)).

8           “(9) ‘multi-program departmental laboratory’  
9           means any of the following: Argonne National Lab-  
10          oratory, Brookhaven National Laboratory, Idaho  
11          National Engineering Laboratory, Lawrence Berke-  
12          ley Laboratory, Lawrence Livermore National Lab-  
13          oratory, Los Alamos National Laboratory, National  
14          Renewable Energy Laboratory, Oak Ridge National  
15          Laboratory, Pacific Northwest Laboratory, and  
16          Sandia National Laboratories;

17          “(10) ‘partnership’ means any arrangement  
18          under which the Secretary or one or more depart-  
19          mental laboratories undertakes research, develop-  
20          ment, demonstration, commercial application or  
21          technical assistance activities in cooperation with one  
22          or more non-Federal partners and which may in-  
23          clude partners from other Federal agencies;

24          “(11) ‘Report of the National Critical Tech-  
25          nologies Panel’ means the biennial report on na-

1 tional critical technologies submitted to Congress by  
2 the President pursuant to section 603(d) of the Na-  
3 tional Science and Technology Policy, Organization,  
4 and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

5 “(12) ‘small business’ means a business concern  
6 that meets the applicable standards prescribed pur-  
7 suant to section 3(a) of the Small Business Act (15  
8 U.S.C. 632(a)).

9 **“SEC. 1102. GENERAL AUTHORITY.**

10 “(a)(1) In carrying out the missions of the Depart-  
11 ment, the Secretary and the departmental laboratories  
12 may conduct research, development, demonstration or  
13 commercial application activities that build on the core  
14 competencies of the departmental laboratories.

15 “(2) In addition to missions established pursuant to  
16 other laws, the Secretary may assign to departmental lab-  
17 oratories any of the following missions:

18 “(A) National security, including the—

19 “(i) advancement of the military applica-  
20 tion of atomic energy;

21 “(ii) support of the production of atomic  
22 weapons, or atomic weapons parts, including  
23 special nuclear materials;

24 “(iii) support of naval nuclear propulsion  
25 programs;

1           “(iv) support for the dismantlement of  
2           atomic weapons and the safe storage, transpor-  
3           tation and disposal of special nuclear materials;

4           “(v) development of technologies and tech-  
5           niques for the safe storage, processing, treat-  
6           ment, transportation, and disposal of hazardous  
7           waste (including radioactive waste) resulting  
8           from nuclear materials production, weapons  
9           production and surveillance programs, and  
10          naval nuclear propulsion programs and of tech-  
11          nologies and techniques for the reduction of en-  
12          vironmental hazards and contamination due to  
13          such waste and the environmental restoration of  
14          sites affected by such waste;

15          “(vi) development of technologies and tech-  
16          niques needed for the effective negotiation and  
17          verification of international arms control agree-  
18          ments and for the containment of the prolifera-  
19          tion of nuclear, chemical, and biological weap-  
20          ons and delivery vehicles of such weapons; and

21          “(vii) protection of health and promotion  
22          of safety in carrying out other national security  
23          missions.

24          “(B) Energy-related science and technology, in-  
25          cluding the—

1           “(i) enhancement of the Nation’s under-  
2           standing of all forms of energy production and  
3           use;

4           “(ii) support of basic and applied research  
5           on the fundamental nature of matter and en-  
6           ergy, including construction and operation of  
7           unique scientific instruments;

8           “(iii) development of energy resources, in-  
9           cluding solar, geothermal, fossil, and nuclear  
10          energy resources, and related fuel cycles;

11          “(iv) pursuit of a comprehensive program  
12          of research and development on the environ-  
13          mental effects of energy technologies and pro-  
14          grams;

15          “(v) development of technologies and proc-  
16          esses to reduce the generation of waste or pollu-  
17          tion or the consumption of energy or materials;

18          “(vi) development of technologies and tech-  
19          niques for the safe storage, processing, treat-  
20          ment, management, transportation and disposal  
21          of nuclear waste resulting from commercial nu-  
22          clear activities; and

23          “(vii) improvement of the quality of edu-  
24          cation in science, mathematics, and engineering.

25          “(C) Technology transfer.

1       “(3)(A) In addition to the missions identified in sub-  
2 section (a)(2), the Departmental laboratories may pursue  
3 supporting missions to the extent that these supporting  
4 missions—

5           “(i) support the technology policies of the Presi-  
6 dent;

7           “(ii) are developed in consultation with and co-  
8 ordinated with any other Federal agency or agencies  
9 that carry out such mission activities;

10          “(iii) are built upon the competencies developed  
11 in carrying out the primary missions identified in  
12 subsection (a)(2) and do not interfere with the pur-  
13 suit of the missions identified in subsection (a)(2);  
14 and

15          “(iv) are carried out through a process that so-  
16 licits the views of United States industry and other  
17 appropriate parties.

18       “(B) These supporting missions shall include activi-  
19 ties in the following areas:

20           “(i) developing and operating high-performance  
21 computing and communications systems, with the  
22 goals of contributing to a national information infra-  
23 structure and addressing complex scientific and in-  
24 dustrial challenges which require large-scale com-  
25 putational capabilities;

1           “(ii) conducting research on and development of  
2           advanced manufacturing systems and technologies,  
3           with the goal of assisting the private sector in im-  
4           proving the productivity, quality, energy efficiency,  
5           and control of manufacturing processes;

6           “(iii) conducting research on and development  
7           of advanced materials, with the goals of increasing  
8           energy efficiency, environmental protection, and im-  
9           proved industrial performance.

10          “(4) In carrying out the Department’s missions, the  
11       Secretary, and the directors of the departmental labora-  
12       tories, shall, to the maximum extent practicable, make use  
13       of partnerships. Such partnerships shall be for purposes  
14       of the following:

15               “(A) to lead to the development of technologies  
16               that the private sector can commercialize in areas of  
17               technology with broad application important to Unit-  
18               ed States technological and economic competitive-  
19               ness;

20               “(B) to provide Federal support in areas of  
21               technology where the cost or risk is too high for the  
22               private sector to support alone but that offer a po-  
23               tentially high payoff to the United States;

24               “(C) to contribute to the education and training  
25               of scientists and engineers;



1           “(D) to provide university and private research-  
2           ers access to departmental laboratory facilities; or

3           “(E) to provide technical expertise to univer-  
4           sities, industry or other Federal agencies.

5           “(b) The Secretary, in carrying out partnerships,  
6           may enter into agreements using instruments authorized  
7           under applicable laws, including but not limited to con-  
8           tracts, cooperative research and development agreements,  
9           work for other agreements, user-facility agreements, coop-  
10          erative agreements, grants, personnel exchange agree-  
11          ments and patent and software licenses with any person,  
12          any agency or instrumentality of the United States, any  
13          State or local governmental entity, any educational institu-  
14          tion, and any other entity, private sector or otherwise.

15          “(c) The Secretary, and the directors of the depart-  
16          mental laboratories, shall utilize partnerships with United  
17          States industry, to the maximum extent practicable, to en-  
18          sure that technologies developed in pursuit of the Depart-  
19          ment’s missions are applied and commercialized in a time-  
20          ly manner.

21          “(d) The Secretary shall work with other Federal  
22          agencies to carry out research, development, demonstra-  
23          tion or commercial application activities where the core  
24          competencies of the departmental laboratories could con-  
25          tribute to the missions of such other agencies.

1 **“SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS**  
2 **BETWEEN DEPARTMENTAL LABORATORIES**  
3 **AND UNITED STATES INDUSTRY.**

4 “(a) Beginning in fiscal year 1994, the Secretary  
5 shall establish a goal to allocate to cost-shared partner-  
6 ships with United States industry not less than 20 percent  
7 of the annual funds provided by the Secretary to each  
8 multi-program departmental laboratory for research, de-  
9 velopment, demonstration and commercial application ac-  
10 tivities.

11 “(b) Beginning in fiscal year 1994, the Secretary  
12 shall establish an appropriate goal for the amount of re-  
13 sources to be committed to cost-shared partnerships with  
14 United States industry at other departmental laboratories.

15 **“SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOP-**  
16 **MENT OF CRITICAL TECHNOLOGY STRATE-**  
17 **GIES.**

18 “(a) The Secretary shall develop a multi-year critical  
19 technology strategy for research, development, demonstra-  
20 tion and commercial application activities supported by  
21 the Department for the critical technologies listed in the  
22 Report of the National Critical Technologies Panel.

23 “(b) In developing such strategy, the Secretary  
24 shall—

25 “(1) identify the core competencies of each de-  
26 partmental laboratory;

1           “(2) develop goals and objectives for the appro-  
2           priate role of the Department in each of the critical  
3           technologies listed in the report, taking into consid-  
4           eration the core competencies of the departmental  
5           laboratories;

6           “(3) consult with appropriate representatives of  
7           United States industry, including members of indus-  
8           try associations and representatives of labor organi-  
9           zations; and

10           “(4) participate in the executive branch process  
11           to develop critical technology strategies.

12   **“SEC. 1105. PARTNERSHIP PREFERENCES.**

13           “(a) The Secretary shall ensure that the principal  
14           economic benefits of any partnership accrue to the United  
15           States economy.

16           “(b) Any partnership that would be given preference  
17           under section 12(c)(4) of the Stevenson-Wydler Tech-  
18           nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4))  
19           if it were a cooperative research and development agree-  
20           ment shall be given preference under this title.

21           “(c) The Secretary shall issue guidelines, after con-  
22           sultation with the Laboratory Partnership Advisory Board  
23           established in section 1109, for application of section  
24           12(c)(4) of the Stevenson-Wydler Technology Innovation

1 Act of 1980 (15 U.S.C. 3710a(c)(4)) and application of  
2 subsection (a) of this section to partnerships.

3 “(d) The Secretary shall encourage partnerships that  
4 involve minority colleges or universities or private sector  
5 entities owned or controlled by disadvantaged individuals.

6 **“SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.**

7 “(a) The Secretary, in consultation with the Labora-  
8 tory Partnership Advisory Board established in section  
9 1109, shall develop mechanisms for independent evalua-  
10 tion of the ongoing partnership activities of the Depart-  
11 ment and the departmental laboratories.

12 “(b)(1) The Secretary and the director of each de-  
13 partmental laboratory shall develop mechanisms for as-  
14 sessing the progress of each partnership.

15 “(2) The Secretary and the director of each depart-  
16 mental laboratory shall utilize the mechanisms developed  
17 under paragraph (1) to evaluate the accomplishments of  
18 each ongoing multi-year partnership and shall condition  
19 continued Federal participation in each partnership on  
20 demonstrated progress.

21 **“SEC. 1107. ANNUAL REPORT.**

22 “(a) The Secretary shall submit an annual report to  
23 Congress describing the ongoing partnership activities of  
24 the Secretary and each departmental laboratory and, to  
25 the extent practicable, the activities planned by the Sec-

1 retary and by each departmental laboratory for the coming  
2 fiscal year. In developing the report, the Secretary shall  
3 seek the advice of the Laboratory Partnership Advisory  
4 Board established in section 1109.

5       “(b) The Secretary shall submit the report under sub-  
6 section (a) to the Committees on Appropriations and En-  
7 ergy and Natural Resources of the Senate and to the ap-  
8 propriate committees of the House of Representatives. No  
9 later than March 1, 1994, and no later than the first of  
10 March of each subsequent year, the Secretary shall submit  
11 the report under subsection (a) that covers the fiscal year  
12 beginning on the first of October of such year.

13       “(c) Each director of a departmental laboratory shall  
14 provide annually to the Secretary a report on ongoing  
15 partnership activities and a plan and such other informa-  
16 tion as the Secretary may reasonably require describing  
17 the partnership activities the director plans to carry out  
18 in the coming fiscal year. The director shall provide such  
19 report and plan in a timely manner as prescribed by the  
20 Secretary to permit preparation of the report under sub-  
21 section (a).

22       “(d) The Secretary’s description of planned activities  
23 under subsection (a) shall include, to the extent such in-  
24 formation is available, appropriate information on—

1           “(1) the total funds to be allocated to partner-  
2           ship activities by the Secretary and by the director  
3           of each departmental laboratory;

4           “(2) a breakdown of funds to be allocated by  
5           the Secretary and by the director of each depart-  
6           mental laboratory for partnership activities by areas  
7           of technology;

8           “(3) any plans for additional funds not de-  
9           scribed in paragraph (2) to be set aside for partner-  
10          ships during the coming fiscal year;

11          “(4) any partnership that involves a Federal  
12          contribution in excess of \$500,000 the Secretary or  
13          the director of each departmental laboratory expects  
14          to enter into in the coming fiscal year;

15          “(5) the technologies that will be advanced by  
16          each partnership that involves a Federal contribu-  
17          tion in excess of \$500,000;

18          “(6) the types of entities that will be eligible for  
19          participation in partnerships;

20          “(7) the nature of the partnership arrange-  
21          ments, including the anticipated level of financial  
22          and in-kind contribution from participants and any  
23          repayment terms;

24          “(8) the extent of use of competitive procedures  
25          in selecting partnerships; and

1           “(9) such other information that the Secretary  
2       finds relevant to the determination of the appro-  
3       priate level of Federal support for such partnerships.

4       “(e) The Secretary shall provide appropriate notice  
5       in advance to Congress of any partnership, which has not  
6       been described previously in the report required by sub-  
7       section (a), that involves a Federal contribution in excess  
8       of \$500,000.

9       **“SEC. 1108. PARTNERSHIP PAYMENTS.**

10       “(a)(1) Partnership agreements entered into by the  
11       Secretary may require a person or other entity to make  
12       payments to the Department, or any other Federal agen-  
13       cy, as a condition for receiving support under the agree-  
14       ment.

15       “(2) The amount of any payment received by the  
16       Federal Government pursuant to a requirement imposed  
17       under paragraph (1) may be credited, to the extent au-  
18       thorized by the Secretary, to the account established under  
19       paragraph (3). Amounts so credited shall be available,  
20       subject to appropriations, for partnerships.

21       “(3) There is hereby established in the United States  
22       Treasury an account to be known as the ‘Department of  
23       Energy Partnership Fund’. Funds in such account shall  
24       be available to the Secretary for the support of partner-  
25       ships.

1 “(b) The Secretary may advance funds under any  
2 partnership without regard to section 3324 of title 31 of  
3 the United States Code to—

4 “(1) small businesses;

5 “(2) not-for-profit organizations that would be  
6 exempt under section 501(a) of the Internal Revenue  
7 Code of 1986; or

8 “(3) State or local governmental entities.

9 **“SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD**  
10 **AND INDUSTRIAL ADVISORY GROUPS AT**  
11 **MULTI-PROGRAM DEPARTMENTAL LABORA-**  
12 **TORIES.**

13 “(a)(1) The Secretary shall establish within the De-  
14 partment an advisory board to be known as the ‘Labora-  
15 tory Partnership Advisory Board,’ to provide the Sec-  
16 retary with advice on the implementation of this title.

17 “(2) The membership of the Laboratory Partnership  
18 Advisory Board shall consist of persons who are qualified  
19 to provide the Secretary with advice on the implementa-  
20 tion of this title. Members of the Board shall include rep-  
21 resentatives primarily from United States industry but  
22 shall also include representatives from the following:

23 “(A) small businesses;

24 “(B) private sector entities owned or controlled  
25 by disadvantaged persons;



1           “(C) educational institutions, including rep-  
2           resentatives from minority colleges or universities;

3           “(D) laboratories of other Federal agencies;  
4           and

5           “(E) professional and technical societies in the  
6           United States.

7           “(3) The Laboratory Partnership Advisory Board  
8           shall request comment and suggestions from departmental  
9           laboratories to assist the Board in providing advice to the  
10          Secretary on the implementation of this title.

11          “(b) The director of each multi-program depart-  
12          mental laboratory shall establish an advisory group con-  
13          sisting of persons from United States industry to—

14                  “(1) evaluate new initiatives proposed by the  
15          departmental laboratory;

16                  “(2) identify opportunities for partnerships with  
17          United States industry; and

18                  “(3) evaluate ongoing programs at the depart-  
19          mental laboratory from the perspective of United  
20          States industry.

21          “(c) Nothing in this section is intended to preclude  
22          the Secretary or the director of a departmental laboratory  
23          from utilizing existing advisory boards to achieve the pur-  
24          poses of this section.

1 **“SEC. 1110. FELLOWSHIP PROGRAM.**

2 “The Secretary shall encourage scientists, engineers  
3 and technical staff from departmental laboratories to serve  
4 as visiting fellows in research and manufacturing facilities  
5 of industrial organizations, State and local governments,  
6 and educational institutions in the United States and for-  
7 eign countries. The Secretary may establish a formal fel-  
8 lowship program for this purpose or may authorize such  
9 activities on a case-by-case basis. The Secretary shall also  
10 encourage scientists and engineers from United States in-  
11 dustry to serve as visiting scientists and engineers in the  
12 departmental laboratories.

13 **“SEC. 1111. COOPERATION WITH STATE AND LOCAL PRO-**  
14 **GRAMS FOR TECHNOLOGY DEVELOPMENT**  
15 **AND DISSEMINATION.**

16 “The Secretary and the director of each departmental  
17 laboratory shall seek opportunities to coordinate their ac-  
18 tivities with programs of State and local governments for  
19 technology development and dissemination, including pro-  
20 grams funded in part by the Secretary of Defense pursu-  
21 ant to section 2523 of title 10 of the United States Code  
22 and section 2513 of title 10 of the United States Code  
23 and programs funded in part by the Secretary of Com-  
24 merce pursuant to sections 25 and 26 of the Act of March  
25 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b)

1 of the Omnibus Trade and Competitiveness Act of 1988  
2 (15 U.S.C. 2781 note).

3 **“SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.**

4 “(a) All of the funds authorized to be appropriated  
5 to the Secretary for research, development, demonstration  
6 or commercial application activities, other than atomic en-  
7 ergy defense programs, shall be available for partnerships  
8 to the extent such partnerships are consistent with the  
9 goals and objectives of such activities.

10 “(b) All of the funds authorized to be appropriated  
11 to the Secretary for research, development, demonstration  
12 or commercial application of dual-use technologies within  
13 the Department’s atomic energy defense activities shall be  
14 available for partnerships to the extent such partnerships  
15 are consistent with the goals and objectives of such activi-  
16 ties.

17 “(c) Funds authorized to be appropriated to the Sec-  
18 retary and made available for departmental laboratory-di-  
19 rected research and development shall be available for any  
20 partnership.

21 **“SEC. 1113. PROTECTION OF INFORMATION.**

22 “Section 12(c)(7) of the Stevenson-Wydler Tech-  
23 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)),  
24 relating to the protection of information, shall apply to

1 the partnership activities undertaken by the Secretary and  
2 by the directors of the departmental laboratories.

3 **“SEC. 1114. FAIRNESS OF OPPORTUNITY.**

4 “(a) The Secretary and the director of each depart-  
5 mental laboratory shall institute procedures to ensure that  
6 information on laboratory capabilities and arrangements  
7 for participating in partnerships with the Secretary or the  
8 departmental laboratories is publicly disseminated.

9 “(b) Prior to entering into any partnership having a  
10 Federal contribution in excess of \$5,000,000, the Sec-  
11 retary or director of a departmental laboratory shall en-  
12 sure that the opportunity to participate in such partner-  
13 ship has been publicly announced to potential participants.

14 “(c) In cases where the Secretary or the director of  
15 a departmental laboratory believes a potential partnership  
16 activity would benefit from broad participation from the  
17 private sector, the Secretary or the director of such de-  
18 partmental laboratory may take such steps as may be nec-  
19 essary to facilitate formation of a United States industry  
20 consortium to pursue the partnership activity.

21 **“SEC. 1115. PRODUCT LIABILITY.**

22 “The Secretary, after consultation with the Labora-  
23 tory Partnership Advisory Board established in section  
24 1109, and the Attorney General shall enter into a memo-  
25 randum of understanding establishing a consistent policy

1 and standards regarding the liability of the United States,  
2 of the non-Federal entity operating a departmental labora-  
3 tory and of any other party to a partnership for product  
4 liability claims arising from partnership activities. The  
5 Secretary and the director of each departmental labora-  
6 tory shall, to the maximum extent practicable, incorporate  
7 into any partnership the policy and standards established  
8 in the memorandum of understanding.

9 **“SEC. 1116. INTELLECTUAL PROPERTY.**

10 “The Secretary shall, after consultation with the  
11 Laboratory Partnership Advisory Board established in  
12 section 1109, develop guidelines governing the application  
13 of intellectual property laws by the Secretary and by the  
14 director of each departmental laboratory in partnership  
15 arrangements.

16 **“SEC. 1117. SMALL BUSINESS.**

17 “(a) The Secretary shall develop simplified proce-  
18 dures and guidelines for partnerships involving small busi-  
19 nesses to facilitate access to the resources and capabilities  
20 of the departmental laboratories.

21 “(b) Notwithstanding any other law, the Secretary  
22 may waive, in whole or in part, any cost-sharing require-  
23 ment for a small business involved in a partnership if the  
24 Secretary determines that the cost-sharing requirement

1 would impose an undue hardship on the small business  
2 and would prevent the formation of the partnership.

3 “(c) Notwithstanding Section 12(d) of the Stevenson-  
4 Wydler Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)),  
5 the Secretary may provide funds as part of a cooperative  
6 research and development agreement to a small business  
7 if the Secretary determines that the funds are necessary  
8 to prevent imposing an undue hardship on the small busi-  
9 ness and necessary for the formation of the cooperative  
10 research and development agreement.

11 **“SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.**

12 “Within one year after the date of enactment of this  
13 title, and annually thereafter, the Secretary shall submit  
14 to the Committee on Energy and Natural Resources of  
15 the United States Senate and to the United States House  
16 of Representatives a report identifying opportunities for  
17 minority colleges and universities to participate in pro-  
18 grams and activities being carried out by the Department  
19 or the departmental laboratories. The Secretary shall con-  
20 sult with representatives of minority colleges and univer-  
21 sities in preparing the report. Such report shall—

22 “(a) describe ongoing education and training  
23 programs being carried out by the Department or  
24 the departmental laboratories with respect to or in

1 conjunction with minority colleges and universities in  
2 the areas of mathematics, science, and engineering;

3 “(b) describe ongoing research, development  
4 demonstration or commercial application activities  
5 involving the Department or the departmental lab-  
6 oratories and minority colleges and universities;

7 “(c) describe funding levels for the programs  
8 and activities described in subsections (a) and (b);

9 “(d) identify ways for the Department or the  
10 departmental laboratories to assist minority colleges  
11 and universities in providing education and training  
12 in the fields of mathematics, science, and engineer-  
13 ing;

14 “(e) identify ways for the Department or the  
15 departmental laboratories to assist minority colleges  
16 and universities in entering into partnerships;

17 “(f) address the need for and potential role of  
18 the Department or the departmental laboratories in  
19 providing to minority colleges and universities the  
20 following:

21 “(1) increased research opportunities for  
22 faculty and students;

23 “(2) assistance in faculty development and  
24 recruitment and curriculum enhancement and  
25 development; and

1           “(3) laboratory instrumentation and equip-  
2           ment, including computer equipment, through  
3           purchase, loan, or other transfer;

4           “(g) address the need for and potential role of  
5           the Department or departmental laboratories in pro-  
6           viding funding and technical assistance for the devel-  
7           opment of infrastructure facilities, including build-  
8           ings and laboratory facilities at minority colleges  
9           and universities; and

10          “(h) make specific proposals and recommenda-  
11          tions, together with estimates of necessary funding  
12          levels, for initiatives to be carried out by the Depart-  
13          ment or the department laboratories to assist minor-  
14          ity colleges and universities in providing education  
15          and training in the areas of mathematics, science,  
16          and engineering, and in entering into partnerships  
17          with the Department or departmental laboratories.

18   **“SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOL-**  
19               **ARSHIP PROGRAM.**

20          “The Secretary shall establish a scholarship program  
21          for students attending minority colleges or universities  
22          and pursuing a degree in energy-related scientific, mathe-  
23          matical, engineering, and technical disciplines. The pro-  
24          gram shall include tuition assistance. The program shall  
25          provide an opportunity for the scholarship recipient to



1 participate in an applied work experience in a depart-  
 2 mental laboratory. Recipients of such scholarships shall be  
 3 students deemed by the Secretary to have demonstrated  
 4 (1) a need for such assistance and (2) academic potential  
 5 in the particular area of study. Scholarships awarded  
 6 under this program shall be known as Secretary of Energy  
 7 Scholarships.”.

8 (b) CONFORMING AMENDMENT.—The table of con-  
 9 tents of the Department of Energy Organization Act (42  
 10 U.S.C. 7101 et. seq.) is amended by adding at the end  
 11 thereof the following items—

“TITLE XI—TECHNOLOGY PARTNERSHIPS

- “Sec. 1101. Finding, Purposes and Definitions.
- “Sec. 1102. General Authority.
- “Sec. 1103. Establishment of Goal for Partnerships Between Departmental Laboratories and United States Industry.
- “Sec. 1104. Role of the Department in the Development of Critical Technology Strategies.
- “Sec. 1105. Partnership Preferences.
- “Sec. 1106. Evaluation of Partnership Programs.
- “Sec. 1107. Annual Report.
- “Sec. 1108. Partnership Payments.
- “Sec. 1109. Laboratory Partnership Advisory Board and Industrial Advisory Groups at Multi-Program Departmental Laboratories.
- “Sec. 1110. Fellowship Program.
- “Sec. 1111. Cooperation with State and Local Programs for Technology Development And Dissemination.
- “Sec. 1112. Availability of Funds for Partnerships.
- “Sec. 1113. Protection of Information.
- “Sec. 1114. Fairness of Opportunity.
- “Sec. 1115. Product Liability.
- “Sec. 1116. Intellectual Property.
- “Sec. 1117. Small Business.
- “Sec. 1118. Minority College and University Report.
- “Sec. 1119. Minority College and University Scholarship program.”.

1 **SEC. 504. NATIONAL ADVANCED MANUFACTURING TECH-**  
2 **NOLOGIES PROGRAM.**

3 The Secretary is encouraged to use partnerships to  
4 expedite the private sector deployment of advanced manu-  
5 facturing technologies as required by section 2202(a) of  
6 the Energy Policy Act of 1992 (42 U.S.C. 13502).

7 **SEC. 505. NOT-FOR-PROFIT ORGANIZATIONS.**

8 The Secretary shall encourage the establishment of  
9 not-for-profit organizations, such as the Center for Ap-  
10 plied Development of Environmental Technology  
11 (CADET), that will facilitate the transfer of technologies  
12 from the departmental laboratories to the private sector.

13 **SEC. 506. CAREER PATH PROGRAM.**

14 (a) The Secretary, utilizing authority under other ap-  
15 plicable law and the authority of this section, shall estab-  
16 lish a career path program to recruit employees of the na-  
17 tional laboratories to serve in positions in the Department.

18 (b) Section 207 to title 18, United States Code, is  
19 amended by inserting after subsection (j)(6) the following:

20 “(7) NATIONAL LABORATORIES.—(A) The re-  
21 strictions contained in subsections (a), (b), (c), and  
22 (d) shall not apply to an appearance or communica-  
23 tion made, or advice or aid rendered by a person em-  
24 ployed at a facility described in subparagraph (B),  
25 if the appearance or communication is made on be-

1 half of the facility or the advice or aid is provided  
2 to the contractor of the facility.

3 “(B) This paragraph applies to the following:  
4 Argonne National Laboratory, Brookhaven National  
5 Laboratory, Idaho National Engineering Laboratory,  
6 Lawrence Berkeley Laboratory, Lawrence Livermore  
7 National Laboratory, Los Alamos National Labora-  
8 tory, National Renewable Energy Laboratory, Oak  
9 Ridge National Laboratory, Pacific Northwest Lab-  
10 oratory, and Sandia National Laboratories.”.

11 (c) Section 27 of the Office of Federal Procurement  
12 Policy Act (41 U.S.C. 423) is amended by inserting the  
13 following new subsection:

14 “(q) NATIONAL LABORATORIES.—(1) The restric-  
15 tions on obtaining a recusal contained in paragraphs  
16 (c)(2) and (c)(3) shall not apply to discussions of future  
17 employment or business opportunity between a procure-  
18 ment official and a competing contractor managing and  
19 operating a facility described in paragraph (3): *Provided,*  
20 That such discussions concern the employment of the pro-  
21 curement official at such facility.

22 “(2) The restrictions contained in paragraph (f)(1)  
23 shall not apply to activities performed on behalf of a facil-  
24 ity described in paragraph (3).

1       “(3) This subsection applies to the following: Ar-  
2       gonne National Laboratory, Brookhaven National Labora-  
3       tory, Idaho National Engineering Laboratory, Lawrence  
4       Berkeley Laboratory, Lawrence Livermore National Lab-  
5       oratory, Los Alamos National Laboratory, National Re-  
6       newable Energy Laboratory, Oak Ridge National Labora-  
7       tory, Pacific Northwest Laboratory, and Sandia National  
8       Laboratories.”.

9       **SEC. 507. DOE MANAGEMENT.**

10       (a) Section 202(a) of the Department of Energy Or-  
11       ganization Act (42 U.S.C. 7132(a)) is amended by strik-  
12       ing “Under Secretary” and inserting in its place “Under  
13       Secretaries”.

14       (b) Section 202(b) of the Department of Energy Or-  
15       ganization Act (42 U.S.C. 7132(b)) is amended to read  
16       as follows—

17       “(b) There shall be in the Department three Under  
18       Secretaries and a General Counsel, who shall be appointed  
19       by the President, by and with the advice and consent of  
20       the Senate, and who shall perform functions and duties  
21       the Secretary prescribes. The Under Secretaries shall be  
22       compensated at the rate for level III of the Executive  
23       Schedule under section 5314 of title 5, United States  
24       Code, and the General Counsel shall be compensated at

1 the rate provided for level IV of the Executive Schedule  
2 under section 5315 of title 5, United States Code.”.

3 **SEC. 508. AMENDMENTS TO STEVENSON-WYDLER TECH-**  
4 **NOLOGY INNOVATION ACT.**

5 (a) Section 12(a) of the Stevenson-Wydler Tech-  
6 nology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is  
7 amended by striking “, to the extent provided in any agen-  
8 cy-approved joint work statement,”.

9 (b) Section 12(b) of the Stevenson-Wydler Tech-  
10 nology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is  
11 amended by striking “, to the extent provided in any agen-  
12 cy-approved joint work statement,”.

13 (c) Section 12(c)(5) of the Stevenson-Wydler Tech-  
14 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5))  
15 is amended—

16 (1) by amending subparagraph (C)(i) to read as  
17 follows:

18 “(C)(i) Any agency that has contracted  
19 with a non-Federal entity to operate a labora-  
20 tory shall review and approve, request specified  
21 modifications to, or disapprove a cooperative re-  
22 search and development agreement that is sub-  
23 mitted by the director of such laboratory within  
24 thirty days after such submission. If an agency  
25 has requested specific modifications to a cooper-

1           ative research and development agreement, the  
2           agency shall approve or disapprove any resub-  
3           mission of such cooperative research and devel-  
4           opment agreement within fifteen days after  
5           such resubmission. Except as provided in sub-  
6           paragraph (D), no agreement may be entered  
7           into by a Government-owned, contractor-oper-  
8           ated laboratory under this section before ap-  
9           proval of the cooperative research and develop-  
10          ment agreement.”;

11          (2) by amending subparagraph (C)(ii) to read  
12          as follows:

13               “(ii) If an agency that has contracted with  
14               a non-Federal entity to operate a laboratory  
15               disapproves or requests the modification of a  
16               cooperative research and development agree-  
17               ment submitted under clause (i), the agency  
18               shall promptly transmit a written explanation of  
19               such disapproval or modification to the director  
20               of the laboratory concerned.”;

21          (3) by amending subparagraph (C)(iii) to read  
22          as follows:

23               “(iii) Any agency that has contracted with  
24               a non-Federal entity to operate a laboratory  
25               shall develop and provide to such laboratory a

1 model cooperative research and development  
2 agreement, and guidelines for using such an  
3 agreement, for the purposes of standardizing  
4 practices and procedures, resolving common  
5 legal issues, and enabling negotiation and re-  
6 view of a cooperative research and development  
7 agreement to be carried out in a routine and  
8 prompt manner.”;

9 (4) by striking subparagraph (C)(iv);

10 (5) by amending subparagraph (C)(v) to read  
11 as follows:

12 “(iv) If an agency fails to complete a re-  
13 view under clause (i) within any of the specified  
14 time-periods, the agency shall submit to the  
15 Congress, within 10 days after the failure to  
16 complete the review, a report on the reasons for  
17 such failure. The agency shall, at the end of  
18 each successive 15-day period thereafter during  
19 which such failure continues, submit to Con-  
20 gress another report on the reasons for the con-  
21 tinued failure.”;

22 (6) by striking subparagraph (c)(vi); and

23 (7) by amending subparagraph (D) to read as  
24 follows:

1           “(D)(i) Any agency that has contracted  
2           with a non-Federal entity to operate a labora-  
3           tory may permit the director of a laboratory to  
4           enter into a cooperative research and develop-  
5           ment agreement without the submission, review,  
6           and approval of the agreement under subpara-  
7           graph (C)(i) if: the Federal share under the  
8           agreement does not exceed \$500,000 per year,  
9           or any amount the head of the agency may pre-  
10          scribe; the text of the cooperative research and  
11          development agreement is consistent with a  
12          model agreement under subparagraph (C)(iii);  
13          the agreement is entered into in accord with the  
14          agency’s guidelines under paragraph (C)(iii);  
15          and the agreement is consistent with and fur-  
16          thers an assigned laboratory mission.

17          “(ii) The director of a laboratory shall no-  
18          tify the head of the agency of the purpose and  
19          scope of an agreement entered into under this  
20          subparagraph. The agency shall include in its  
21          annual report required by section 11(f) of this  
22          Act (15 U.S.C. 3710(f)) an assessment of the  
23          implementation of this subparagraph including  
24          a summary of agreements entered into by lab-  
25          oratory directors under this subparagraph.”.



1 (d) Section 12(d) of the Stevenson-Wydler Tech-  
2 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is  
3 amended—

4 (1) in paragraph (1) by inserting “and” after  
5 the second semicolon;

6 (2) in paragraph (2)—

7 (A) by striking “substantial” before “pur-  
8 pose” in subparagraph (B);

9 (B) by striking “the primary purpose” and  
10 inserting “one of the purposes” in subpara-  
11 graph (C); and

12 (C) by striking “; and” the second time it  
13 appears and inserting a period; and

14 (3) by striking paragraph (3).

15 **SEC. 509. GUIDELINES.**

16 The implementation of the provisions of this Act shall  
17 not be delayed pending the issuance of guidelines, policies  
18 or standards required by sections 1105, 1115 and 1116  
19 of the Department of Energy Organization Act (42 U.S.C.  
20 7101 et. seq.) as added by section 3 of this Act.

21 **SEC. 510. AUTHORIZATION.**

22 (a) In addition to funds made available for partner-  
23 ships under section 1112 of the Department of Energy  
24 Organization Act (42 U.S.C. 7101 et. seq.) as added by

1 section 3 of this Act, there is authorized to be appro-  
2 priated from funds otherwise available to the Secretary:

3 (1) for partnership activities with industry in  
4 areas other than atomic energy defense activities  
5 \$100,000,000 for fiscal year 1994, \$140,000,000 for  
6 fiscal year 1995, \$180,000,000 for fiscal year 1996  
7 and 220,000,000 for fiscal year 1997; and

8 (2) for partnership activities with industry in-  
9 volving dual-use technologies within the Depart-  
10 ment's atomic energy defense activities  
11 \$240,000,000 for fiscal year 1994, \$290,000,000 for  
12 fiscal year 1995, \$350,000,000 for fiscal year 1996  
13 and \$400,000,000 for fiscal year 1997.

14 (b) There is authorized to be appropriated to the Sec-  
15 retary for the Minority College and University Scholarship  
16 Program established in section 1119 of the Department  
17 of Energy Organization Act (42 U.S.C. 7101 et. seq.) as  
18 added by section 3 of this Act \$1,000,000 for fiscal year  
19 1994, \$2,000,000 for fiscal year 1995 and \$3,000,000 for  
20 fiscal year 1996.

21 (c) There is authorized to be appropriated to the Sec-  
22 retary for research or educational programs, carried out  
23 through partnerships or otherwise, and for related facili-

- 1 ties and equipment that involve minority colleges or uni-
- 2 versities such sums as may be necessary.

Passed the Senate September 30 (legislative day,  
September 12), 1994.

Attest:

*Secretary.*

S 2251 ES——2

S 2251 ES——3

S 2251 ES——4

S 2251 ES——5

S 2251 ES——6